

privately or be connected with any private law firm.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: I think it was a tacit assumption of what would take place.

DELEGATE GALLAGHER: Thank you.

THE CHAIRMAN: Delegate Bamberger, do you desire to offer your amendment K?

DELEGATE BAMBERGER: Yes, I do.

THE CHAIRMAN: The pages will please distribute amendment K.

This will be Amendment No. 8.

The Clerk will read the amendment.

READING CLERK: Amendment No. 8 to Committee Recommendation EB-2 by Delegate Bamberger: On page 2 section , Powers and Duties of the Attorney General, in line 7 strike out the words "other matters" and insert in lieu thereof the following words: "his responsibilities as chief legal officer of the State."

THE CHAIRMAN: The amendment is offered by Delegate Bamberger; is there a second?

*(The motion was duly seconded.)*

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Bamberger to speak to the amendment.

DELEGATE BAMBERGER: May I have permission of the Committee to add as sponsors of the amendment Delegates Hardwicke and Gallagher who withdraw their amendments which were designed to accomplish the same purpose.

THE CHAIRMAN: Is there any objection? If not, the names Hardwicke and Gallagher will be added as sponsors.

Delegate Bamberger.

DELEGATE BAMBERGER: The purpose of this amendment is to accomplish what the committee memorandum says is their intention. It strikes the words "other matters" on line 7 of page 2 of the Committee Recommendation and substitutes the definition, "His responsibilities as chief legal officer of the state."

The effect of this amendment is that the General Assembly by law may prescribe powers and duties for the attorney general. First, with respect to civil and criminal cases and proceedings and then secondly

with respect to his responsibilities as chief legal officer of the State. I think in all the discussion this morning, there was agreement among the committee that the attorney general was to be the lawyer, for the governor, for the legislative branch and for the various departments and agencies of the State and that it was not the intention that the General Assembly should ever be able to empower the attorney general to run an administrative department of the State. That is the function of the executive and under the governor.

Now, we have that peculiar situation in Maryland now with respect to the Securities Department. The Legislature created a department which would register and license people who would deal in securities in the State and who would register the issuance of securities in the State. That is an administrative department, like the bank commissioner, the insurance commissioner, the small loan commissioner, and it ought not to be a responsibility of or an administrative department run by the officer of the State who is the lawyer for the State. He should be the lawyer for that department and not the administrator of that department.

This amendment only makes it clear that those functions, powers and duties that the General Assembly is free to give to the attorney general are lawyer's jobs. They may not make him the bank commissioner or the insurance commissioner or the administrator of any law. He will be the lawyer for the person who administers the law. It is designed to accomplish the same purpose that was accomplished by defining matters as legal matters; the problem that we ran into with the question of: do you mean legal in the sense of lawful, and it was said what we meant by "legal" was lawyer's work. The Committee in its Memorandum EB-2 says on lines 31 to 35 on page 2: "The Committee feels that the proper role of the attorney general is as a lawyer and not as an administrator of executive programs. It therefore chose to define his office in these terms." It defines the office by saying chief legal officer. This amendment says those things that the General Assembly can tell him to do are the jobs of the chief legal officer.

At one point in the colloquy this morning it was suggested that this might give rise to litigation if the attorney general did something, someone affected by that could argue that what he did was administrative and not lawyer's work. Well, it will give rise to the same litigation if it carries out